

Entered - 7-12-01 - sb
CL 00L0447 - ALEXIS HOLMES

01- *R* -1418

CLAIM OF: ANNIE J. CROWE
Through her attorney
Rodney K. Strong
Griffin & Strong, P.C.
235 Peachtree Street, N.E.
Suite 2212
Atlanta, Georgia 30303-1406

For damages alleged to have been sustained as a result of the City
unlawfully seizing, detaining and converted her property on March
19, 2001 at 3211 Martin Luther King, Jr. Drive.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0447

Date: 8/27/01

Claimant /Victim ANNIE J. CROWE

BY: (Atty) Rodney K. Strong, Griffin & Strong, P.C.

Address: 235 Peachtree Street, NE Suite 2212 Atlanta, Georgia 30303-1406

Subrogation: _____ Claim for Property damage \$ Unspecified Bodily Injury \$ _____

Date of Notice: 6/27/01 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5	X	Ante Litem (6 Mo.)	X
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Date of Occurrence 3/19/01 Place: 3211 Martin Luther King, Jr. Drive

Department: Planning and Development and Neighborhood Conservation Division: Bureau of Buildings

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that she sustained damages when the City unlawfully, seized, detained and converted her property. The claimant has filed a lawsuit in the State Court Fulton County to resolve the issues raised in her claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Other ☒ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice _____ More than Six Months _____ Other X Damages reasonable

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 100 Adverse ☒ Account charged: 1A01 2J01 2H01

Claims Manager: Thomas M. Kelly Concur/date 08-20-01

Committee Action: _____ Council Action _____

Law

GRIFFIN & STRONG

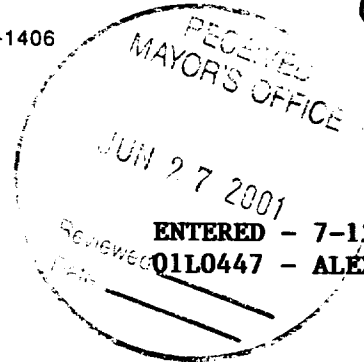
ATTORNEYS-AT-LAW

A Professional Corporation
235 PEACHTREE STREET, N.E.

SUITE 2212

ATLANTA, GEORGIA 30303-1406

Holmes
07/10/01
[Signature]



June 12, 2001

VIA CERTIFIED MAIL RETURN
RECEIPT NO. 7001670001030102619

Honorable William C. Campbell
Mayor, City of Atlanta
55 Trinity Avenue
Atlanta, Georgia 30335

NOTICE ANTE LITEM
PURSUANT TO
O.C.G.A. § 36-33-5

Re: Our Client: Annie J. Crowe
Date of Incident: March 19, 2001
Property: 3211 Martin Luther King, Jr. Drive

Dear Mr. Mayor:

The undersigned has been retained to represent the interests of Mrs. Annie J. Crowe, who owns the property at 3211 Martin Luther King, Jr. Drive, which the City of Atlanta is currently trespassing upon through the actions of its agent, Ebony Glass and Mirror, a private contractor, hired to construct the Adamsville Recreation Center/Natatorium facility. This notice is sent to you pursuant to O.C.G.A. §36-33-5(b) to provide an opportunity for the City of Atlanta to investigate and adjust our client's cause of action for:

- the failure to identify our client's property in an attempt to exercise eminent domain over the aforementioned property;
- subsequent trespass by the City of Atlanta as a result of reliance upon the improper legislative exercise of eminent domain;
- failure to exercise due diligence in providing proper notice to our client of the pending condemnation of our client's property;
- failure to provide adequate and just compensation for said taking.

On or about March 19, 2001 the Defendant unlawfully, seized, detained and converted to its own value and use the following described real property of the Plaintiff: Commercial Property located at 3211 Martin Luther King, Jr. Drive.

Defendant has unlawfully and unjustly taken the real property of the Plaintiff without affording just compensation to the Plaintiff for said taking.

Defendant in its errant attempt to exercise eminent domain improperly and erroneously identified the Plaintiff's property; therefore, Defendant has not legally exercised its right of eminent

domain over the property of the Plaintiff and is thereby trespassing and continues to trespass upon the personal real property of the Plaintiff.

Defendant did not duly and diligently attempt to provide notice of the impending eminent domain. Defendant in its errant attempt to exercise eminent domain over the Plaintiff's property violated the Plaintiff's due process right by failing to provide Plaintiff of notice of said eminent domain as required by the U.S. Constitution, the Constitution of the State of Georgia, the Official Code of Georgia, and the Code of the City of Atlanta.

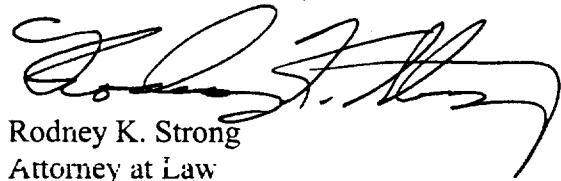
The Defendant in its ongoing and continual trespass onto the Plaintiff's property has damaged the Plaintiff's property altering its unique qualities.

Pursuant to O.C.G.A. §36-33-5(b) we acknowledge this as notice to the City of Atlanta of our claim against it for trespass, conversions, failure to provide proper notice thereby violating our client's due process rights, and an unjust taking of personal property without just and adequate compensation.

We have contacted under cover of our April 18, 2001 letter in an effort to reach a reasonable agreement between our client and the City; however, to date we have not received a written response. I understand that the City of Atlanta has 30 days from the presentation of this notice to take action that it deems appropriate in this situation prior to our filing a lawsuit to protect our client's rights and interests in this situation.

We look forward to hearing from you at your earliest convenience in this matter. Thank you in advance for your anticipated assistance and extension of professional courtesies. I remain,

Very truly yours,
GRIFFIN & STRONG, P.C.



Rodney K. Strong
Attorney at Law

RKS/jqm

Cc Robb Pitts, City Council President
Annie J. Crowe

01- *R*-1418